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FILED
U.S. DISTRICT COURT

2015 JAN 29 P 2:48

DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF UTAH

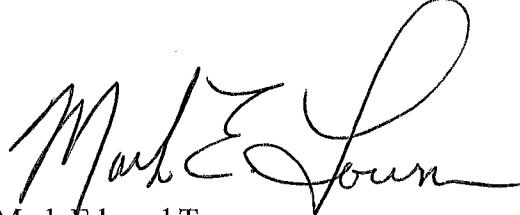
<p>MARK EDWARD TOWNER, individually</p> <p>Plaintiff,</p> <p>vs.</p> <p>USAA FEDERAL SAVINGS BANK, a federal savings bank, dba USAA Financial Services Corporation</p> <p>Defendant.</p>	<p>No. 2: 14-cv-00148-DN</p> <p>MOTION TO ACCEPT REPORT & RECOMMENDATIONS [86] WITH FOLLOWING CLARIFICATIONS AND UNDERSTANDING</p>
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Plaintiff, Mark Edward Towner, moves to accept [86] Report and Recommendations with the following clarifications and understandings given defendant USAA FSB has **not objected in writing by the 14 day time period** after being notified by the court *See Fed. R. Civ. P. P. 72(b)(2)* set by the court, thereby constitute a waiver of objections upon subsequent review.

- 1) Plaintiff interprets [86] Report and Recommendations to **DISMISS** Plaintiff's sole cause of action for violation of **FCRA**, however any future plaintiff claims regarding to Defendant USAA Federal Savings Bank's ("USAA FSB") remain available to Plaintiff.

- 2) Plaintiff interprets [86] Report and Recommendations to **DENY** Defendant's motion for summary judgment on its breach of contract claim, that as a matter of law the Card Agreement was **NOT** a valid enforceable contract between Plaintiff and Defendant.
- 3) Plaintiff interprets [86] Report and Recommendations to **DENY** Defendant's motion for summary judgment on its **Unjust Enrichment** claim as there is a "factual dispute regarding Plaintiff's assent to the term of the Card Agreement", and plaintiff cannot be held responsible for charges made to the account as a matter of law.
- 4) Plaintiff interprets [86] Report and Recommendations to **DENY** Plaintiff's Motion to Strike USAA FSB's November 20, 2014 Counterclaim.

DATED: January 29, 2015,



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Certificate of Service

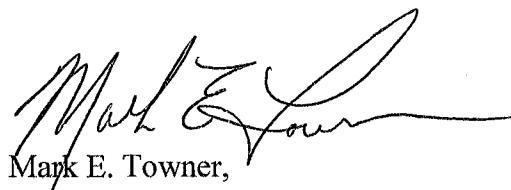
I hereby certify that a copy of the **MOTION TO ACCEPT REPORT & RECOMMENDATIONS [86] WITH FOLLOWING CLARIFICATIONS AND UNDERSTANDING**

Case number: 2:14-cv-00148-DN was emailed to and confirmed received:

John S. Craiger
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On this 29th Day of January, 2015.



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